

REMARKS

In the Office Action all of pending claims 1-29 were rejected. Reconsideration and allowance of all pending claims are requested based upon the remarks advanced below.

Rejection Under 35 U.S.C. § 103 In view of Bates et al.

In the Office Action, claims 1-9, 11-17, 20-24, 26-27, and 29 were rejected as unpatentable over Bates et al. (US Patent No. 5,515,491). Claims 1, 11, 20, and 24 are independent. Applicants respectfully traverse this rejection. The Examiner enumerated a number of passages from Bates et al. said to read on or make obvious the subject of the pending claims. Applicants note, however, that the passages relied upon by the Examiner do not support a *prima facie* case of obviousness.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by modifying the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the modification. *See ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the modification includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the reference. *See Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Furthermore, a statement that a proposed modification would have been “well within the ordinary skill of the art” cannot be relied upon to establish a *prima facie* case of obviousness without some *objective reason to modify* the teachings of the reference. *In re Kotzab*, 217 F.3d 1365, 1371, 55 U.S.P.Q.2d. 1313, 1318 (Fed. Cir. 2000); *Al-Site Corp. v. VSI Int’l Inc.*, 174 F.3d 1308, 50 U.S.P.Q.2d. 1161 (Fed. Cir. 1999); *Ex parte*

Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). The Examiner must provide objective evidence, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to modify a cited reference in an obviousness rejection. *See In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002).

Independent Claims 1, 11, and 20

The Examiner argued that Bates et al. teach “transmitting input event data from the controlling computer to the controlled computer via the network.” In support of this contention, the Examiner cited a passage at col. 5 of Bates et al., lines 33-42, where one reads:

Fig. 2 depicts a pictorial representation of a window including examples of features of a multi-user interface supported by the present invention. Window 18 is a conventional window as would appear on a display screen on a computer 12. A locally generated mouse pointer 22 is available for operating control features of the window by a user utilizing a mouse. The term “mouse” may refer to any type of operating system supported pointing device including, but not limited to a mouse, track ball, light pen, touch screen, and the like.

Clearly, the cited passage has nothing whatsoever to do with transmitting an input event from a controlling computer to a controlled computer. The Examiner reasoned that Bates et al. disclose collaborative screen editing in which each *personal computer (12)* of Figure 1 can be either a controlled or controlling computer. Paper No. 5, page 6 (citing Bates et al., col.5, lines 33-42, col. 6, lines 31-35; col. 7, lines 8-10; col. 12, lines 3-9, col. 10, lines 64-67, and Figures 1, 4-8) (noting that input event data, such as mouse movements, cursor movements, editing commands, and ownership commands are transferred through a network of personal computers 12). However, Applicants emphasize that Bates et al. does *not* teach that the disclosed personal computer 12 (or any computer) is a controlling or controlled computer. Instead, the personal computer 12 is merely a computer operating in a typical local area network. *See* Bates et al., col. 5, lines

10-32. Moreover, Bates et al. disclose a collaborative environment, but one directed to managing communication and shared editing within such an environment. Of particular interest in Bates et al. is preventing simultaneous manipulation of selectable blocks of a shared data object. Bates et al., col. 1, lines 28-32; col. 3, lines 19-31. It is clear that the cited reference does not teach transmitting input event data from a controlling computer to a controlled computer.

Finally, the Examiner, on the same point, cites a passage from col. 12, lines 3-9 of Bates et al. where one reads:

Next, decision block 214 is utilized to determine if an input has been received from a user. If so, decision block 216 is utilized to determine if the command was valid or not. If the command is not valid, the process warns the user from block 218 and returns to block 214 analyze [sic] the next user entry. If the command is valid, block 220 is utilized to transmit the edit command to the server.

Little comparison is even possible between the passage identified by the Examiner and the claimed subject matter said to be taught by the passage. While the passage may relate to receiving a valid or invalid input, the passage in no way teaches “transmitting input event data from a controlling computer to a controlled computer,” as recited by independent claim 11 and similarly recited by independent claims 1 and 20. Accordingly, for these reasons, independent claims 1, 11, and 20, and the claims dependent thereon, are believed patentable over the Bates et al. reference.

Independent Claims 1, 11, 20, and 24

The Examiner further contended that Bates et al. teaches “designating a portion of the screen at a controlled computer based upon the input event data [from the controlling computer] and the program [run by the controlled computer].” The Examiner equated the “portion of the screen” as recited in the present claims with the “region within the shared data object” disclosed by Bates et al. In support, the Examiner referenced Figures 4-8 and

col. 3, lines 19-24 of Bates et al. However, the cited figures and passage clearly have nothing to do with designating a portion of the screen at a controlled computer based upon the input event data from a controlling computer (and/or a program run at a control LED computer). While data objects may be accessed by multiple users with the Bates et al. system, the cited figures and passage do not teach the type of logical designation of portions of a screen recited in the pending claims.

The Examiner is reminded that all recitations of each and every claim must be considered. The present claims do not relate simply to a collaborative computing environment. Rather, the claims relate to the specific subject matter recited. Accordingly, any prior art, to establish a *prima facie* case of obviousness, must recite, teach, disclose, or at least suggest the recited subject matter. The figures and passage referenced by the Examiner do not do this. No teaching whatsoever in Bates et al. can be found for relate to designating portions of a screen at a controlled computer based upon input event data from a controlling computer and a program run at a control computer.

Moreover, Applicants add that the claims do not, in fact, recite the subject matter in the terms set forth by the Examiner. In fact, claim 1, quite the contrary, recites "identifying a logical block of a screen display affected by the input event at the controlled computer based upon the program and the input event data." This logical block identification is a special procedure performed by the claimed method that permits efficient progressive caching of the display data as inputs are received from a controlling computer and a program is run based upon such input events at a controlled computer. Nothing in Bates et al. can be found, and certainly not in the figures and passage relied upon by the Examiner, for teaching of such logical block identification. The remaining independent claims 11, 20, and 24 recite somewhat similar subject matter, in all cases not taught by Bates et al. as argued by the Examiner. Accordingly, all pending claims are believed patentable over the Bates et al. reference.

Challenge the Examiner to Provide Objective Evidence

Finally, the Examiner admitted that Bates et al. does not expressly disclose “caching of a portion of a screen at a controlling computer and controlled computer.” However, the Examiner then employed impermissible hindsight to modify the reference to incorporate such a feature, reasoning incorrectly that this feature would have been obvious to an ordinary artisan at the time the invention was made. Applicants strongly assert that the Examiner did not provide objective evidence of such a modification. Instead, the Examiner made the subjective and conclusory statement that an ordinary artisan “would have been motivated to look to a way to implement Bates storage systems at both server and client (or controlled and controlling computer) using cache, since cache, after all, is an advanced storage system.” Paper No. 5, page 6. In support, the Examiner cited col. 5, lines 13-15 and col. 11, line 67 – col. 12, line 1 of Bates et al., which discloses server storage and client memory (storage), respectively.

Such storage, however, has nothing whatsoever to do with caching of a portion of a screen at a controlling computer and controlled computer, or with the subject matter recited in the claims. Rather, one skilled in the art would simply glean from the cited passages of Bates et al. that copies of certain objects are stored locally at a user and at a server. Certainly, the passages cannot teach the recitation of claim 1, which reads “caching display data for at least the logical block at the controlling computer.” Similarly, the passages do not teach or even suggest similar recitations of the other independent claims.

The Applicants emphasize that the Examiner did not provide object evidence of the motivation to modify Bates et al. to incorporate the claimed subject matter. Instead, the Examiner makes the conclusory argument that an artisan would know that general concept of “caching” may be implemented in sever or client storage. The Examiner simply did not address this specific subject matter, much less give objective reasons to incorporate such claim features into Bates et al. Therefore, Applicants challenge the

Examiner to provide objective evidence of the motivation to modify the Bates et al. system in the manner asserted by the Examiner and in the manner recited by the claims.

Request Allowance of All Pending Claims

Given the shortcomings of Bates et al. with regards to the recitations of the claims, Applicants submit that a *prima facie* case of obviousness has not been made by the Examiner. Moreover, Applicants further believe that all of the pending dependent claims are equally allowable both by virtue of their dependency from an allowable base claim, and for the subject matter they separately recite. Reconsideration and allowance of all of the pending claims over Bates et al. are requested.

Rejection Under 35 U.S.C. § 103 in view of Bates et al. and Curtis et al.

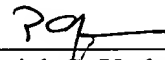
The Examiner rejected dependent claims 10, 18, 25, and 28 as unpatentable over Bates et al. and Curtis et al. However, as mentioned, Applicants believe that all of the pending dependent claims are equally allowable both by virtue of their dependency from an allowable base claim, and for the subject matter they separately recite. Accordingly, applicants respectfully request withdrawal of the rejection and allowance of the claims.

Conclusion

In view of the amendment to the specification and the foregoing remarks, it is believed that the pending claims are clearly allowable over all of the cited prior art. Accordingly, reconsideration and allowance of all pending claims are requested. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: July 21, 2004



Patrick S. Yoder
Reg. No. 37,479
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545